761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 24, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: DON FORD, CAPTAIN
PALMDALE STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2363105
Incident:	Force
Incident Date:	August 17, 2014
Unit:	Lancaster / Palmdale / OSS
Suspect:	Ainsworth, Nicholas MW/01-17-84
Involved Employees:	Deputy Daniel Welle #[redacted] Deputy Theodor Baljet #[redacted] Deputy Eugene Wheeler #[redacted] Deputy William Spargur #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	July 23, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Ralph J. Webb, Eddie Rivero and Patrick E. Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the use of force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations

PEM:JRB:jrb

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 24, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: MICHAEL BURSON, CAPTAIN
OPERATION SAFE STREETS
BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2363105
Incident:	Force
Incident Date:	August 17, 2014
Unit:	Lancaster / Palmdale / OSS
Suspect:	Ainsworth, Nicholas MW/01-17-84
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761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 24, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: PATRICK NELSON, CAPTAIN
LANCASTER STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2363105
Incident:	Force
Incident Date:	August 17, 2014
Unit:	Lancaster / Palmdale / OSS
Suspect:	Ainsworth, Nicholas MW/01-17-84
Involved Employees:	Deputy Daniel Welle #[redacted] Deputy Theodor Baljet #[redacted] Deputy Eugene Wheeler #[redacted] Deputy William Spargur #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	July 23, 2015

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RECOMMENDATIONS:

The EFRC made no recommendations

PEM:JRB:jrb

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 24, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2363105
Incident:	Force
Incident Date:	August 17, 2014
Unit:	Lancaster / Palmdale / OSS
Suspect:	Ainsworth, Nicholas MW/01-17-84
Involved Employees:	Deputy Daniel Welle #[redacted] Deputy Theodor Baljet #[redacted] Deputy Eugene Wheeler #[redacted] Deputy William Spargur #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	July 23, 2015

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FINDINGS:

The EFRC determined the use of force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations

PEM:JRB:jrb

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 914-14307-1120-145 | Date: 08/17/2014 | Time: 2300

Location: [redacted] West Avenue H | City or Station: Lancaster

Bureau/Station/Facility: Lancaster /O.S.S./Palmdale | Admin. Investigation: ○ YES ◉ NO

Type of Force: Carotid Restraint/Takedown/Control Hold/Resisted Handcuffing

Incident Category: ○1 ○2 ◉3 | Deputy Injury: ◉ YES ○ NO | Suspect Injury ◉ YES ○ NO

☒ Call ☐ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉YES ○ NO | Person Notified: Lt. Vince Carter | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Welle	Daniel	E	B-1

Sex: ◉ M ○ F | Race: W | Height: 6'08" | Weight: 320 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Lancaster OSS | Work Assignment (Unit #, Module, etc.): Antelope Valley Fair/110FG

Individual Force Used: Carotid Restraint/Takedown/Control Hold | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3

☒ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E 2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Baljet	Theodor	R	B-1

Sex: ◉ M ○ F | Race: W | Height: 6'00" | Weight: 215 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Palmdale OSS | Work Assignment (Unit #, Module, etc.): Antetlope Valley Fair/110FG

Individual Force Used: Control Hold/Takedown/Resisted Handcuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E 3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Wheeler	Eugene	J	Res.

Sex: ◉ M ○ F | Race: W | Height: 6'02" | Weight: 220 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Lancaster Station | Work Assignment (Unit #, Module, etc.): Antelope Valley Fair/110F3

Individual Force Used: Control Hold | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ◉1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor ☒ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Fernandez	Anna	M	Sgt.	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Mendoza	Kimberly	A	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Martinez	Richard	A.	Lt.

Richard A. Martinez

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #:

Patrick A. Nelson

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 4 - 1 4 3 0 7 - 1 1 2 0 - 1 4 5

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Ainsworth	Nicholas	Bryce	Not Armed

AKA Last Name: "Ghost" First Name: Middle Name:

Sex:	Race:	Age:	Height:	Weight	D.O.B:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
◉ Male ○ Female	W	30	5'10"	160	01/17/84	[redacted]	

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 4067714 Primary Charge Code: 69 P.C. Secondary Charge Code: 242 P.C. [redacted] Criminal History

Treated on Scene? ○ YES ◉ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: Antelope Valley Hospita Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: Dr. Nitin Shah Address: 1600 West Avenue J Lancaster Phone #: (661) 949-5000

Under Influence: ◉ YES ○ NO Substance: Alcohol 5150 a factor in force? ○ YES ◉ NO User's guide provides direction on this entry

Suspect Interview

Date: 08/18/14 Time: 0735 ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name: First Name: Middle Name:

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name: First Name: Middle Name:

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

914 - 14307 - 1120 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Fernandez	Anna	Marie

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
COPS Bureau/Lancaster	110FS2	○ EM ○ Day ◉ PM	○ Regular ◉ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	37	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	39	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	26	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	30	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

| 9 | 1 | 4 | - | 1 | 4 | 3 | 0 | 7 | - | 1 | 1 | 2 | 0 | - | 1 | 4 | 5 |

Involved Employee

E4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Spargur	William	F	Res.

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	W	6'01"	250	[redacted]	( ) EM ( ) Day (●) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
Palmdale Station	Antelope Valley Fair/110F1

Individual Force Used		Individual Category
Control Hold/Resisted Handcuffing	( ) Directed ( ) Rescue ( ) Medical Assist	(●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	Res.

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	W	5'09'	174	[redacted]	( ) EM ( ) Day (●) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
Palmdale Station	Antelope Valley Fair/[redacted]

Individual Force Used		Individual Category
Control Hold	( ) Directed ( ) Rescue ( ) Medical Assist	(●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

Supervisor's Report on Use of Force

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Ainsworth	S/1	Spargur	E/4	UC/RS	NN	AR
Spargur	E/4	Ainsworth	S/1	CT	NN	AR
[redacted]	E/5	Ainsworth	S/1	CT	NN	AR
Wheeler	E/3	Ainsworth	S/1	CT	NN	AR
Ainsworth	S/1	Spargur	E/4	UC/RS	NN	AR
Ainsworth	S/1	[redacted]	E/5	UC/RS	NN	AR
Ainsworth	S/1	Wheeler	E/3	UC/RS	NN	AR
Baljet	E/2	Ainsworth	S/1	CT	NN	AR
Welle	E/1	Ainsworth	S/1	CR	UN	NK
Baljet	E/2	Ainsworth	S/1	TT	FR	EL/FI
Welle	E/1	Ainsworth	S/1	TT	FR	EL/FI
Baljet	E/2	Ainsworth	S/1	RH	NN	WR
Spargur	E/4	Ainsworth	S/1	RH	NN	WR

FORCE APPLIED

CONTROL HOLDS/TAKEDOWN/CAROTID RESTRAINT/RESISTED HANDCUFFING

INCIDENT DETAILS

Refer to IAB Summary for details.

REPORTED USE OF FORCE BY INVOLVED EMPLOYEE(S)

Refer to IAB summary for details.

WITNESS INTERVIEW(S)

Refer to IAB Summary for details.

SUSPECT INTERVIEW(S)

Suspect Interview(s) Conducted by: ☐ **Watch Commander** ☐ **Supervising Sergeant**

Refer to IAB Summary for details.

MEDICAL REVIEW

Refer to IAB Summary for details.

TRAINING & TACTICAL REVIEW

☐ **Debriefing held to discuss training and tactical issues.**

Training and Tactical review to be presented at the Executive Force Review Committee on July 23, 2015.

WATCH COMMANDER'S REVIEW

Refer to IAB Summary for details.

CASE STATUS

Refer to IAB Summary for details.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

UNIT: Lancaster, Operation Safe Streets, Palmdale
DATE: August 17, 2014
TIME: 2300 Hours
LOCATION: [redacted] West Avenue H, Lancaster
URN#: 914-14307-1120-145
IAB#: FO2363105

NATURE OF INCIDENT:

On-call Internal Affairs Bureau personnel assumed the handle on a use of force investigation wherein Suspect Ainsworth sustained a fracture to the right elbow while being taken into custody by Deputy Daniel Welle (#[redacted]), Deputy Theodor Baljet (#[redacted]), Reserve Deputy [redacted] (#[redacted]), Reserve Deputy Eugene Wheeler (#[redacted]), and Reserve Deputy William Spargur (#[redacted]) and Los Angeles County Probation Officer, Witness [redacted] (#[redacted]). The subsequent medical examination determined Suspect Ainsworth also sustained a fracture to the right little finger.

On August 17, 2014, at approximately 2300 hours, Deputies Welle, Baljet, [redacted] Wheeler, Spargur, Sergeant Anna Fernandez (#[redacted]) and Witness [redacted] were assigned to work at the Antelope Valley (Fair), (Refer to In-Service/Map, **Exhibit A)**. The above personnel responded to a fight call at the "Zipper" ride. The call was broadcast on Mutual Aid 1 at approximately 2252 Hours (Refer to CD containing radio traffic, **Exhibit B**). Deputy [redacted] and Deputy Spargur responded to the area and were the first to arrive. They contacted a Fair employee, Victim [redacted], who pointed out and positively identified the suspect, Nicholas Ainsworth. Victim [redacted] stated he had been assaulted by the suspect moments earlier. Simultaneously, Deputy Welle, Deputy Baljet, Deputy Wheeler, Sergeant Fernandez and Witness [redacted] also started responding to the area.

Deputies Spargur and [redacted] approached Suspect Ainsworth as he was standing in line at a carnival ride. Deputy Spargur asked Suspect Ainsworth to step out of the line, Suspect Ainsworth refused. Suspect Ainsworth grabbed onto a metal barricade with both his hands with his palms facing downward. Deputy Spargur requested backup via his handheld radio.

> **IAB Note:** The metal barricades used at the Fair stand about three to four feet in height. They are not permanently affixed to the ground and are used to form barriers to the carnival rides as well as to delineate areas for line formation (Refer to photographs, **Exhibit C)**.

Suspect Ainsworth immediately began to curse at the deputies and stated that he was not on probation or parole and was adamant he would not be searched. Deputy Spargur grabbed onto Suspect Ainsworth's right arm and tried to pull it off the barricade. Deputy [redacted] stood on Suspect Ainsworth's left side.

> **IAB Note:** In Deputy [redacted]s supplemental report he did not state he used any reportable force by restraining Suspect Ainsworth's left arm. During his interview with IAB investigators he stated he was unsure if he actually attempted to pull the suspect's left arm off the barricade. Several of the other responding personnel stated that Deputy [redacted] did in fact have a hold of Suspect Ainsworth's left arm and was attempting to free it from the barricade. Based on these facts, Deputy [redacted] will be considered as an involved employee during this investigation.

Deputy Wheeler arrived at the location and saw Deputies [redacted] and Spargur struggling with Suspect Ainsworth and heard Deputy [redacted] ask for help. Deputy Wheeler walked up behind Suspect Ainsworth and placed his hands on both the suspect's forearms in an attempt to pull them off the barricade. Suspect Ainsworth continued to yell and curse at the personnel and refused to comply with their commands or physical efforts to place his hands behind his back. Deputy Welle and Deputy Baljet arrived moments later and saw the deputies struggling with Suspect Ainsworth. Deputy Baljet went to Suspect Ainsworth's left side and grabbed his left arm. He instructed the suspect to place his hands behind his back and ordered him to stop resisting. Deputy Baljet attempted to pull his left arm from the barricade.

Deputy Welle approached from behind as Deputy Baljet placed himself to the left of Suspect Ainsworth. Suspect Ainsworth dropped his center of gravity and pulled his arms inward toward his waistband area (which had not been searched). Suspect Ainsworth continued to yell and ignored the deputies' commands by holding on tightly to the metal barricade. At this point, Deputy Baljet was able to free Suspect Ainsworth's left hand from the barricade. Witness [redacted] arrived and saw the deputies struggling with Suspect Ainsworth. Witness [redacted] grabbed the suspect's right hand and freed it from the barricade.

Deputy Welle came from behind Suspect Ainsworth and applied the carotid restraint using his right arm. As Deputy Welle applied the carotid restraint, Deputy Baljet pulled Suspect Ainsworth to the left in order to take him to the ground. Suspect Ainsworth fell to the asphalt with Deputy Welle on top of him. During the takedown, Witness [redacted] tripped and fell on top of Deputy Welle and Suspect Ainsworth.

After applying the carotid restraint for a few seconds, Deputy Welle felt Suspect Ainsworth's body go limp and heard other personnel saying the suspect "was out." He immediately released his grasp of Suspect Ainsworth's neck. Deputy Baljet had maintained his grasp of the suspect's left arm during the takedown and was able to handcuff his left wrist. Suspect Ainsworth's right arm was stuck under his body after being taken down to the ground. Deputy Spargur placed his left knee on the suspect's left shoulder to prevent him from getting up. Deputy Spargur reached in between Deputy Welle and Suspect Ainsworth and pulled the suspect's right arm from under his body. Deputy Baljet was able to place the other handcuff on Suspect Ainsworth's right wrist.

Suspect Ainsworth was rolled to his side after being handcuffed and medical assistance was immediately requested. Once Suspect Ainsworth regained consciousness, he immediately became belligerent again and complained of pain to his right elbow. Suspect Ainsworth had a visible deformity to his right elbow and was taken from the scene for medical treatment. Suspect Ainsworth was transported to Antelope Valley Hospital via ambulance. Deputy Annette Lopez (#[redacted] and Deputy [redacted] accompanied Suspect Ainsworth to the hospital. Deputy Welle sustained a small abrasion to his left elbow which was treated in the emergency room of the Antelope Valley Hospital Medical Center.

Suspect Ainsworth was arrested for Resisting an Executive Officer (69 PC) and Battery (242 PC). Deputy Welle completed an incident report detailing the incident and his use of force. Deputies Spargur, [redacted] Wheeler and Baljet completed supplemental reports documenting their use of force. In addition, Sergeant Fernandez completed a supplemental report detailing her actions and observations as well as the actions and observations of Witness [redacted] The incident report, supplemental reports and booking packet are included with this case (**Exhibit D**).

INVOLVED PERSONNEL:

Welle, Daniel - Detective, #[redacted]
Operation Safe Streets
Unit # 110FG
Detective Division

Date of Employment:	08-26-99
Date Assigned to OSS:	12-16-07
Prior Shooting Incident(s):	Two
Prior Founded Force Incidents:	[redacted]

Baljet, Theodor – Detective #[redacted]
Operation Safe Streets
Unit # 110FG
Detective Division

Date of Employment: 03-23-99
Date Assigned to OSS: 04-18-10
Prior Shooting Incident(s): One
Prior Founded Force Incidents: [redacted]

[redacted] – Reserve Deputy (Level I) #[redacted]
Palmdale Sheriff Station
Unit #[redacted]
North Patrol Division



Date of Employment: [redacted]
Date Assigned to PLM: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

Spargur, William – Reserve Deputy (Level II) #[redacted]
Palmdale Sheriff Station
Unit # 110F1
North Patrol Division

Date of Employment: 09-12-99
Date Assigned to PLM: 06-16-07
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

Wheeler, Eugene – Reserve Deputy (Level I) #[redacted]
Lancaster Sheriff Station
Unit # 110F3
North Patrol Division

Date of Employment: 02-13-13
Date Assigned to LCS: 02-13-13



Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUBJECT:

Nicholas Ainsworth: MH/30, Booking #4070201
DOB: 01-17-1984
Address: [redacted]
Booking Charge: 242 P.C., Battery; 69 P.C. Resist by Means of Force
DA Case # MA063963
Criminal History: CII #[redacted]

Suspect Ainsworth's criminal history consists of; [redacted]

His Consolidated Criminal History Report System (CCHRS) printouts are included with this case (refer to **Exhibit E**).

WITNESSES:

Los Angeles County Probation Officer [redacted] #[redacted]

On March 10, 2015, Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45166.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness [redacted] was assigned to work the Antelope Valley Fair on August 17, 2014, on the PM shift. He was assigned to work with Witness Fernandez. He heard a call broadcast over his radio of a "415." He and Witness Fernandez responded to the area of the disturbance. When they arrived, he saw several deputies standing around Suspect Ainsworth who was swearing and yelling. The deputies were trying to calm the suspect down and handcuff him. Suspect Ainsworth refused to be handcuffed and was holding onto a railing. Three to four deputies were attempting to handcuff Suspect Ainsworth, but he refused to comply.

Witness [redacted] saw Suspect Ainsworth make a quick movement toward his waist area with his hands. Deputy Welle placed Suspect Ainsworth in the carotid restraint while Witness [redacted] assisted by grabbing Suspect Ainsworth's right hand off of the railing, allowing the deputies to take him to the ground. During the takedown, Witness [redacted] tripped and fell on top of Deputy Welle who had fallen on top of Suspect Ainsworth.

Witness [redacted] did not observe anyone strike or hit Suspect Ainsworth during the incident. He believed the suspect was given ample opportunity to comply with the deputies commands to let go of the railing and place his hands behind his back. He believed Suspect Ainsworth may have broken his arm when he and Deputy Welle fell on top of him during the takedown.

[redacted] FW/[redacted]

On August 19, 2014, Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Antelope Valley Fairgrounds and was digitally audio recorded and transcribed under **Job #42565.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness [redacted] was an employee of the fair and was working the night of August 17, 2014. She saw two deputies holding Suspect Ainsworth's hands that were grasping a fence. She believed Suspect Ainsworth was resisting against the deputies by pulling away from them. She saw the deputies take him to the ground while one deputy wrapped his arm around the suspect's neck. Witness [redacted] was located across the aisle when the incident occurred. She did not witness anything after the suspect was taken to the ground.

[redacted] MW/[redacted]

On August 19, 2014, Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Antelope Valley Fairgrounds and was digitally audio recorded and transcribed under **Job #42566.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness [redacted] was an employee of the fair and was working the evening of August 17, 2014. Witness [redacted] saw Suspect Ainsworth standing in line at a ride when the deputies approached him. Suspect Ainsworth placed his hands on the railing and was swearing at the deputies. The deputies asked him numerous times to let go of the railing and the suspect refused. He saw a deputy put Suspect Ainsworth in a "headlock", eventually causing the suspect to let go of the railing. Once his hands were free, the suspect and several deputies fell to the ground, dragging the aluminum barrier several feet.

Witness [redacted] noticed after they all fell to the ground, the suspect was not moving and was quiet. He thought the deputies had tased the suspect due to the fact he was no longer moving around. Once the suspect regained consciousness, he started being rude and talking about parole and probation. He did not see any personnel hit or kick the suspect. Witness [redacted] was about ten to fifteen feet away when the incident occurred and was able to see and hear the incident fairly clearly.

[redacted] FO/[redacted]

On August 19, 2014, Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Antelope Valley Fairgrounds and was digitally audio recorded and transcribed under **Job #42567.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness [redacted] was an employee of the fair and was working the evening August 17, 2014. She saw Suspect Ainsworth in line when he was asked to step out of line by Victim [redacted]. She could not hear what was being said, but it appeared hostile between Victim [redacted] and Suspect Ainsworth. Witness [redacted] said the suspect was "all up in Aaron's face." She then saw the suspect hit Victim [redacted] in the face. Victim [redacted] lifted his hands up and walked away. Suspect Ainsworth also walked away, but in the opposite direction immediately after the incident.

Later, the deputies arrived in the area and she directed them toward the area she saw Suspect Ainsworth go. She remained in her designated work area and did not witness the force incident.

[redacted] FW/[redacted]

On August 19, 2014, Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Antelope Valley Fairgrounds and was digitally audio recorded and transcribed under **Job #42568.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness [redacted] was an employee of the fair and was working the evening of August 17, 2014. Witness [redacted] was sitting approximately "five meters" away when she saw Suspect Ainsworth become aggressive with Victim [redacted] She could not hear their conversation but saw the suspect point his finger in Victim [redacted]s face. She then saw the suspect hit Victim [redacted] in the shoulder and face. Both Victim [redacted] and Suspect Ainsworth walked off in opposite directions. Moments later she saw security, police and a probation officer arrive in the area. She returned to her duties and did not witness the force incident.

DEPUTY WITNESSES:

Sergeant Anna Fernandez #[redacted]

On March 10, 2015, Witness Fernandez was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45167.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Witness Fernandez was assigned to work the Antelope Valley Fair as the on duty supervisor during the PM shift on August 17, 2014. She heard a call broadcast on the radio indicating some type of fight at the "Zipper" ride. She immediately responded toward the direction of the call. She was unsure who responded with her to the call, but believed someone walked with her.

When she got closer to the area, she saw three or four deputies struggling with Suspect Ainsworth. She saw the deputies trying to pull the suspect off a metal barricade that he was holding on to. She could not hear the conversation between the deputies and the suspect due to the loud noise in the carnival area of the fair. At that point, she could not identify any of the deputies except for Deputy Welle. She continued to walk closer to the deputies and heard the deputies ordering Suspect Ainsworth to let go of the railing and place his hands behind his back. The suspect was yelling and cursing at the deputies and saying something about parole and probation.

Witness Fernandez saw Deputy Welle and the other deputies pull Suspect Ainsworth's hands from the railing and take him to the ground. She did not specifically see Deputy Welle apply the carotid restraint nor could she identify which deputy applied which type of force. As she was walking toward the incident, she approached either from the side or from behind the deputies, as she made her way through a large crowd of people.

Witness Fernandez did not direct any force due to her arriving "after the incident was over." She provided crowd control due the hundreds of fair patrons standing around and watching the incident. Witness Fernandez later interviewed Suspect Ainsworth at the hospital (refer to CD, **Exhibit F**).

Witness Fernandez did not identify any civilian witnesses to the force incident.

INVOLVED EMPLOYEE STATEMENTS:

Reserve Deputy William Spargur #[redacted]

On March 10, 2015, Deputy Spargur was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45163.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Deputy Spargur was assigned to work the PM shift at the Antelope Valley Fair on August 17, 2014. His partner that evening was Deputy [redacted]. He heard a disturbance call near one of the rides in the carnival area. He and Deputy [redacted] responded to the area and contacted Victim [redacted]. Victim [redacted] pointed out Suspect Ainsworth to Deputy Spargur and identified him as the person who assaulted him.

Suspect Ainsworth was standing in line for a ride with several people around. Deputy Spargur made contact with the suspect and asked him to step out of the line. Suspect Ainsworth refused and grabbed the railing of the metal barricade. Deputy Spargur grabbed Suspect Ainsworth's right arm and Deputy [redacted] grabbed the left arm and they tried to pull his hands off the barricade but he would not let go. Deputy Spargur requested backup or assistance on the radio. As they were trying to pull his hands from the railing, he began shouting that he was not on probation or parole.

Deputy Spargur did not feel that pepper spray would have been a good option in this instance due to the large crowd of people in the carnival area. Moments later, he saw Deputy Welle arrive from behind Suspect Ainsworth. Deputy Welle wrapped his arm around Suspect Ainsworth's neck or chest and pulled him backward, off the railing. Suspect Ainsworth was then taken to the ground. Deputy Welle fell on top of Suspect Ainsworth during the takedown.

Deputy Spargur positioned himself on Suspect Ainsworth's left side once he was on the ground. He placed his left knee on the suspect's left shoulder to prevent him from getting up. He then reached in between Deputy Welle's stomach and Suspect Ainsworth's back from the left side and pulled the suspect's right arm out from under his body. Deputy Spargur had a difficult time pulling his right arm out. He was unsure if Suspect Ainsworth was actively resisting. Once the suspect's right arm was out from underneath his body, Deputy Baljet placed a handcuff on the right wrist.

Deputy Spargur never struck Suspect Ainsworth on the right arm nor did he see anybody deliver any blows to Suspect Ainsworth. The only force he used was pulling Suspect Ainsworth's arm back, trying to get it off the railing. He felt Suspect Ainsworth might have sustained his broken elbow when he was pulling on his right arm to facilitate handcuffing.

Reserve Deputy [redacted] #[redacted]

On March 10, 2015, Deputy [redacted] was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45162.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Deputy [redacted] was assigned to work the swing shift at the Antelope Valley Fair on August 17, 2014. His partner that evening was Deputy Spargur. He heard a call broadcast regarding a carnival worker who was assaulted. They responded to the area of the call and Suspect Ainsworth was pointed out to them by another fair employee. Suspect Ainsworth was standing alone in line.

Once they approached him, Witness [redacted] noticed the suspect seemed nervous and had the odor of alcohol on him. He appeared to be agitated and told them he was not on parole. Deputy Spargur spoke to Suspect Ainsworth as they tried to handcuff him. Suspect Ainsworth immediately grabbed hold of the railing on the metal barricade and resisted being handcuffed.

> **IAB Note:** During Deputy [redacted]s interview he was not able to recollect whether or not he actually used a firm grip on Suspect Ainsworth's left arm. He was sure that Deputy Spargur had the suspect's right arm. Deputy [redacted] said he may have grabbed the suspect's left arm although his supplemental report stated he did not use force.

Approximately one minute later, Deputies Welle and Baljet arrived to their location. Once they arrived, he stepped out of the way and they took over. Deputies Welle and Baljet were able to remove the suspect's hands from the railing and take him to the ground. Both deputies fell on top of Suspect Ainsworth on the ground. After suspect Ainsworth was handcuffed and regained consciousness, he was screaming, "I'm not on parole, I'm not on probation."

Reserve Deputy Eugene Wheeler #[redacted]

On March 10, 2015, Deputy Wheeler was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45165.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Deputy Wheeler was assigned to work the PM shift at the Antelope Valley Fair on August 17, 2014. He had an assigned partner that evening, however he could not recall who it was. He stated a call was broadcast on the radio regarding a "415 in the carnival." He and his partner acknowledged on the radio they were responding and started to walk towards the carnival area. Once he arrived to the area, he saw Suspect Ainsworth holding on to the railing and Deputies Spargur and [redacted] trying to restrain him. Deputy [redacted] yelled, "Help", as the suspect was yelling at the deputies.

Deputy Wheeler walked up behind Suspect Ainsworth and placed both his hands on the suspect's forearms, from behind. Suspect Ainsworth "jerked away" a couple times, but was unsuccessful in breaking Deputy Wheeler's grasp. Deputy Wheeler smelled the odor of alcohol on Suspect Ainsworth and believed he might have been under the influence of something because of his strength. After a few moments, Deputy Welle arrived and tried to pull the suspect loose a couple of times before applying the carotid restraint.

Deputy Wheeler let go of Suspect Ainsworth, as he was taken to the ground. After several seconds, Deputy Welle released the carotid restraint, Suspect Ainsworth was handcuffed while unconscious and then rolled to his side. Suspect Ainsworth regained consciousness seconds later and started yelling again. Deputy Wheeler never saw any personnel punch or hit Suspect Ainsworth on the arm.

Deputy Theodor Baljet #[redacted]

On March 10, 2015, Deputy Baljet was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45256.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Deputy Baljet was assigned to work the PM shift at the Antelope Valley Fair on August 17, 2014. He was partnered up with Deputy Welle on that evening. A call was broadcast of a gang member assaulting a fair employee.

He and Deputy Welle responded to the location of the call. When they arrived, he saw Suspect Ainsworth standing against a metal barricade and holding on to it with both hands. Deputies Spargur and [redacted] were with Suspect Ainsworth, one on each side. The deputies were trying to pull the suspect's arms back and off of the barricade.

Deputy Baljet approached the suspect on the left side as Deputy Welle walked toward the right side. He took hold of Suspect Ainsworth's left forearm and ordered him to stop resisting and place his hands behind his back. Suspect Ainsworth was visibly agitated and was squeezing the barricade very tightly. Suspect Ainsworth was saying over and over again that he was not on parole or probation.

Deputy Baljet was eventually able to free suspect Ainsworth's left hand from the barricade. Suspect Ainsworth then lowered his center of gravity and pulled his arms inward toward his body. Deputy Baljet believed the suspect was getting ready to fight. Deputy Baljet said out loud to the other deputies, "take him down." At this time, Deputy Welle and Witness [redacted] were on the suspect's right side. As Deputy Baljet started to pull Suspect Ainsworth down to the left, Deputy Welle applied the carotid restraint. Suspect Ainsworth fell down to the ground with Deputy Welle on top of him.

During and after the takedown, Deputy Baljet was able to maintain control of Suspect Ainsworth's left arm and he quickly handcuffed the left wrist. Deputy Welle got off Suspect Ainsworth and it appeared he was unconscious. Deputy Spargur was able to pull the suspect's right arm from under his body after some struggle and Deputy Baljet handcuffed the suspect's right wrist. They immediately rolled Suspect Ainsworth to his left side and pulled his knee up to support his weight. Deputy Baljet called for 902R via his radio as Deputy Welle checked his breathing and pulse.

Deputy Baljet never saw any personnel strike Suspect Ainsworth on the right arm.

Deputy Daniel Welle #[redacted]

On March 10, 2015, Deputy Welle was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Lancaster Sheriff Station and was digitally audio recorded and transcribed under **Job #45164.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Deputy Welle was assigned to work the PM shift at the Antelope Valley Fair on August 17, 2014. He was partnered up with Deputy Baljet on that evening to work gang suppression. A call was broadcast of a fair employee that was assaulted. As they approached the area, he saw two deputies talking to Suspect Ainsworth. Deputy Welle could not hear the conversation, but based on the body language, it appeared suspect Ainsworth was resisting what the deputies were telling him.

As Deputy Welle continued to get closer to the area, he saw Suspect Ainsworth grab the metal barricade with both his hands. It appeared that Deputies Spargur and [redacted] were trying to remove the suspect's hands from the barricade. He heard Suspect Ainsworth call the deputies, "Bitches." Deputy Welle also heard Suspect Ainsworth say he refused to be searched because he was not on probation or parole.

As Deputy Welle closed the distance, he saw Suspect Ainsworth lower his center of gravity, dropping his shoulders and buttocks. Although he could not tell if the suspect's hands left the railing, it appeared that his hands were reaching toward his waistband area. Deputy Welle was now directly behind Suspect Ainsworth, and he feared that the suspect was preparing to arm himself.

Deputy Welle quickly evaluated his force options at this point. He believed his only viable option to stop the threat immediately was to apply the carotid restraint. He has used it before and found it to be very effective. He placed his right arm around Suspect Ainsworth's neck and placed his left arm behind the neck and completed the carotid restraint. After he began applying it, he stood straight up to create more tension and gain an advantage. This caused Suspect Ainsworth to raise up from the ground.

IAB Note: Deputy Welle is 6'8" tall and Suspect Ainsworth is 5'10" tall.

After pulling Suspect Ainsworth up, he began to fall to the left, toward the ground. Deputy Welle maintained his hold of the suspect's neck because he was still moving. He was unsure of what the suspect was doing because he was focused on maintaining the carotid restraint. They hit the ground and Suspect Ainsworth continued moving for a few more seconds before losing consciousness. He felt the suspect's body go slack and heard other deputies yelling, "He's out. We got his hands." Deputy Welle released the carotid restraint. He got off Suspect Ainsworth and saw he was handcuffed and noticed his right elbow looked injured.

During the force incident, Deputy Welle was not really aware of the other deputies' actions due to the fact he was completely focused on his application of the carotid restraint. He felt he needed to pay close attention to the suspect's body in the event he lost consciousness quicker than he believed he should or it was not effective and the suspect was able to arm himself.

Once the ambulance arrived on scene, Suspect Ainsworth was taken away for medical treatment. Deputy Welle did not see any personnel punch, kick or strike Suspect Ainsworth during the force incident.

SUSPECT STATEMENTS:

Nicholas Ainsworth, Booking # 4070201

On August 18, 2014, at 0154 hours, Suspect Ainsworth was interviewed at Antelope Valley Hospital by Witness Sergeant Fernandez. The interview was videotaped and a CD with a copy of the interview is included with this case (refer to **Exhibit F**).

On August 18, 2014, at approximately 0340 hours, Suspect Ainsworth was interviewed at Antelope Valley Hospital by Lancaster Station Watch Commander, Lieutenant Richard Martinez #[redacted] The interview was videotaped and a DVD with a copy of the interview is included with this case (refer to **Exhibit F**).

> **IAB Note:** In each of the interviews with Sergeant Fernandez and Lieutenant Martinez, Suspect Ainsworth stated he was not on parole or probation a minimum of five times. He also indicated he was a two striker and wished to go home. His statements in these two interviews are consistent with his statements made to IAB investigators.

On August 18, 2014, Suspect Ainsworth was interviewed by Internal Affairs Bureau Sergeant Kimberly Mendoza and Sergeant Jeff Hamil. The interview was conducted at the Antelope Valley Hospital, Room 445, and was digitally audio recorded and transcribed under **Job #42490.** The following is a summary of the interview. See Transcription section for a verbatim copy of the interview.

Suspect Ainsworth stated he was in line for the "Zipper" ride when he was told by the ride operator there were no single riders allowed. Suspect Ainsworth said he left the line after the operator said he was going to call the sheriff. He went to another ride and after getting off that ride, the deputies came over to him.

Suspect Ainsworth saw about six or seven deputies walk towards him. One of the deputies grabbed him from the back of the neck quickly to get his attention. Suspect Ainsworth reacted by grabbing the railing with both his hands. He said he did this to show he did not have any weapons. One of the deputies said, "Hey, I need to talk to you." Suspect Ainsworth told the deputy he could search him. All of the sudden, a deputy dropped his elbow on his right arm as he was holding the railing.

Suspect Ainsworth denied hearing any instructions from the deputies such as to remove his hands from the railing or to place his hands behind his back. He allowed the deputies to search him as he held on to the railing. The next thing he remembered was being on the ground and hearing the deputies yelling, "Cuff him, cuff him." He told the deputies he was not on probation or parole. After he was handcuffed, he immediately felt the pain to his right hand and elbow.

Suspect Ainsworth said he did not know how his hand got injured. He speculated that it was stomped on but did not know for sure. He did not feel that the deputies hurt his hand

intentionally. Suspect Ainsworth did not recall being placed in the carotid restraint nor losing consciousness. He was unable to identify any of the deputies involved in the force incident or the deputy that allegedly dropped an elbow on his right arm.

Suspect Ainsworth initially denied assaulting Victim [redacted] prior to his contact with the deputies. After further questioning, he did admit to pushing Victim [redacted] in the chest area. Suspect Ainsworth stated he drank two beers and two long island ice teas prior to having contact with the deputies. He denied taking any medication or illegal drugs that evening. Suspect Ainsworth was not under the care of a psychiatrist nor has he ever been diagnosed with a mental disorder.

SUSPECT INJURIES:

During his videotaped interviews with Sergeant Fernandez, Lieutenant Martinez and IAB Investigators, Suspect Ainsworth complained of pain to his right elbow, right hand, and the fingers on his right hand. Sergeant Mendoza observed the following injuries to Suspect Ainsworth; swelling and redness to his right elbow and right hand. Refer to photographs of suspect's injuries (**Exhibit G**).

Sergeant Mendoza obtained Suspect Ainsworth's medical records (**Exhibit H**) from Antelope Valley Hospital (Patient #[redacted]). Suspect Ainsworth was diagnosed with multiple small fractures to the elbow as well as a dislocation. Specifically, his medical paperwork noted; "There are multiple small comminuted fractures of the coronoid process of the ulna and trochlea of the distal humerus." He was also diagnosed with a fracture to his right pinky finger. Specifically his medical paperwork noted; "An oblique fracture is noted of the mid diaphysis of the right fifth metacarpal displace approximate 2 mm."

Suspect Ainsworth's medical paperwork also noted he was tested for the presence of Ethanol in his bloodstream. The sample was collected on August 17, 2014, at 2356 hours. The results showed he had 187 mg/dL of Ethanol in his bloodstream.

> **IAB Note:** 187 mg/dL of Ethanol in the bloodstream is equivalent to approximately .16% BAC per Senior Criminalist Somavadey Neal, (#[redacted]) of Scientific Services Bureau, Forensic Alcohol Section.

Sergeant Mendoza made several attempts to contact the treating physician, Nitin Shah M.D. for an interview. Per Doctor Nitin's office manager, Laura, the doctor declined to be interviewed, either in person or via telephone. Laura stated Doctor Nitin could not offer any additional information that is not already found in the patient's medical file.

DEPUTY PERSONNEL INJURIES:

Deputy Welle was injured during the use of force, sustaining a minor abrasion to his left elbow. The injury was documented by Witness Fernandez on an Employee Injury Report under File# 014-17159-1120-502. Deputy Welle was treated in the emergency room of the Antelope Valley Hospital by Dr. Tyler Stanley.

PHYSICAL EVIDENCE:

None

REVIEW OF VIDEO SURVIELLENCE:

On August 19, 2014, Sergeant Mendoza contacted Sergeant Theresa Dawson #[redacted]. Sergeant Dawson oversees the operations of the Antelope Valley Fair for the Los Angeles County Sheriff's Department. Sergeant Dawson was assigned as 110FS on August 17, 2014. Sergeant Dawson indicated there were no surveillance cameras in that area of the carnival were the force incident occurred.

INVESTIGATORS OBSERVATIONS:

On August 19, 2014, Sergeant Mendoza photographed the location at the Antelope Valley Fairgrounds (refer to photographs, **Exhibit C**). The photographs were taken two days later during daylight hours when the fairgrounds were closed. There was nothing significant noted at the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

None

WEAPONS USED BY SUBJECT:

None

PROPERTY DAMAGE:

None.

RADIO TRANSMISSION:

Personnel working at the Antelope Valley Fairgrounds were assigned to Mutual Aid 1 for all of their non-emergent radio communications. All radio traffic from the incident is contained on Compact Disc (**Exhibit B**). All calls for service during the fair were broadcast by the desk personnel, 110FD1, (Reserve Deputy Charles Klein #[redacted] or 110FD2, (Reserve Deputy Michael Kuper #[redacted].

The original call was voiced on Mutual Aid 1 at 2252 hours. The call stated, "Possible 415 at the Zipper." 110F10 stated they were, "en route on foot." 110F6 stated they were 10-97. Several seconds later, an unknown unit put out radio traffic that is undiscernible, possibly 110F6.

> **IAB Note:** During his interview with IAB Investigators, Deputy Spargur indicated he requested either back-up or assistance via his radio.

There were a few updates from 110FD between 2252 and 2256 hours, giving updated locations and suspect descriptions. At 2256, Deputy Baljet requested 902R for Suspect Ainsworth.

CHARGES FILED AND DISPOSITIONS:

Investigators Name: Lancaster Station O.S.S. Detective [redacted] # [redacted] Refer to his supplemental report (**Exhibit I**).

Court: Antelope Valley Court

Charges: The District Attorney filed (4) felony charges for 69 PC (Resisting Executive Officer) and (1) misdemeanor charge for 242 PC (Battery). Refer to District Attorney Charge Sheet (**Exhibit I**).

On September 24, 2014, Suspect Ainsworth was convicted of (1) count of 69 PC. He was sentenced to 2 years state prison.

WEATHER AND LIGHTING CONDITIONS:

The incident occurred in darkness at approximately 2300 hours. However, the fairgrounds were well illuminated. Weather and lighting conditions were not a factor in this use of force.